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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,955	06/17/2005	Horst Glatz	5200.P0067US	8659

23474 7590 03/18/2011  
FLYNN THIEL BOUTELL & TANIS, P.C.  
2026 RAMBLING ROAD  
KALAMAZOO, MI 49008-1631

EXAMINER
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CHANG, RICK KILTAE

ART UNIT	PAPER NUMBER
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3726

MAIL DATE	DELIVERY MODE
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03/18/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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2026 RAMBLING ROAD  
KALAMAZOO MI 49008-1631

In re Application of:	:	
GLATZ, HORST et al	:	
Serial No. 10/539,955	:	
Filed: June 17, 2005	:	
Docket: 5200.P0067US	:	DECISION ON PETITION
Title: METHOD AND PRODUCITON LINE	:	UNDER 37 CFR § 1.181
FOR RATIONALLY PRODUCING U-	:	
SHAPED HEAT EXCHANGE TUBES	:	

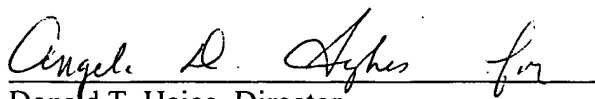
This is a decision on the petition filed on March 7, 2011 by which petitioner requests reconsideration and withdrawal of the restriction requirement based on constructive election mailed Nov. 12, 2010 and that non-elected claims 19-23 be rejoined and examined on the merits. Claims 2-5 and 18 were held to be constructively elected and examined. Claims 19-23 were withdrawn from consideration due to non-elected invention. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **granted**.

In finding petitioner's points of argument persuasive and after consulting with the examiner, the requested relief is granted. The restriction requirement mailed on Nov. 2, 2010 is hereby withdrawn. Claims 19-23 will be rejoined with the elected invention. The examiner has been requested to issue an Office action to rejoin and treat the non-elected claims 19-23 on the merits as soon as possible.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3726 for further consideration of non-elected claims 19-23 prior to further appeal proceeding. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

  
Donald T. Hajec, Director  
Technology Center 3700